

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 10812 of 2007(K)

PETITIONER:

BALACHANDRAN PILLAI, MOHANALAYAM,
ASHTAMUDI P.O., KOLLAM.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

1. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KOLLAM.
2. THE MANAGER, ING VYSYA, KOLLAM BRANCH,
BEACH ROAD, KOLLAM.

BY ADV. SRI.C.VIVEK
SMT.SREEKALA KRISHNADAS
BY SR.GOV'T. PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX (WP(C) NO.10812 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the communication dtd.20.3.2007

Ext.P2: Copy of the request for NOC addressed to the financier
dated 7.3.2007.

Ext.P3: Copy of the declaration dtd.15.3.2007.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

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Dated this the 22nd day of June, 2007

J U D G M E N T

Heard the learned counsel for the petitioner, learned Government Pleader appearing for the first respondent and Smt.Sreekala Krishnadas appearing for the second respondent.

2. The petitioner's application for replacement of vehicle is not being considered on the ground that the petitioner has not obtained consent from the financier of the present vehicle.

3. Smt.Sreekala Krishnadas appearing for the second respondent-financier submits that the petitioner has cleared all the dues in respect of the vehicle and no amount is due to the second respondent in respect of the same. Even otherwise, the Government Pleader is not able to show me any provision of law which requires that for replacement of vehicle, consent from the financier is necessary. In the above circumstances, the first respondent is directed to consider the petitioner's

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application for replacement of the vehicle in accordance with law without insisting upon the consent of the financier.

The writ petition is disposed of as above.

**S. SIRI JAGAN,
Judge**

Mbs/

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S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007

WP(C) NO. 10812 of 2007

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